

26-54-101. Title.

This chapter is known as the "Traumatic Spinal Cord and Brain Injury Rehabilitation Fund."

Enacted by Chapter 226, 2012 General Session

26-54-102. Creation -- Traumatic Spinal Cord and Brain Injury Rehabilitation Fund.

(1) Because the state finds that persons with traumatic spinal cord and brain injuries require intensive, focused, and specific rehabilitation there is created an expendable special revenue fund entitled the Traumatic Spinal Cord and Brain Injury Rehabilitation Fund.

(2) The fund shall consist of:

(a) gifts, grants, donations, or any other conveyance of money that may be made to the fund from private sources;

(b) a portion of the impound fee as designated in Section 41-6a-1406; and

(c) amounts as appropriated by the Legislature.

(3) The fund shall be administered by the executive director of the Department of Health in consultation with the advisory committee created in Section 26-54-103.

(4) A "qualified IRC 501(c)(3) charitable clinic" means a professional medical clinic that:

(a) provides services for people in this state with traumatic spinal cord and brain injuries who require post-acute-care;

(b) employs licensed therapy clinicians; and

(c) has no less than five years experience operating a post-acute-care rehabilitation clinic in the state.

(5) Fund money shall be used to assist qualified IRC 501(c)(3) charitable clinics to provide:

(a) physical, occupational, and speech therapy; and

(b) equipment necessary for daily living activities for people with spinal cord and brain injuries.

(6) All actual and necessary operating expenses for the advisory committee and staff shall be paid by the fund.

Amended by Chapter 400, 2013 General Session

26-54-103. Traumatic Spinal Cord and Brain Injury Rehabilitation Fund Advisory Committee -- Creation -- Membership -- Terms -- Duties.

(1) There is created a Traumatic Spinal Cord and Brain Injury Rehabilitation Fund Advisory Committee.

(2) The advisory committee shall be composed of five members as follows:

(a) the executive director of the Utah Department of Health, or the executive director's designee;

(b) a survivor, or a family member of a survivor of a traumatic brain injury, appointed by the governor;

(c) a survivor, or a family member of a survivor of a traumatic spinal cord injury,

appointed by the governor;

(d) a member of the House of Representatives appointed by the speaker of the House of Representatives; and

(e) a member of the Senate appointed by the president of the Senate.

(3) (a) The term of advisory committee members shall be four years. If a vacancy occurs in the committee membership for any reason, a replacement shall be appointed for the unexpired term in the same manner as the original appointment.

(b) The committee shall elect a chairperson from the membership.

(c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum is present at an open meeting, the action of the majority of members shall be the action of the advisory committee.

(d) The terms of the advisory committee shall be staggered so that members appointed under Subsections (2)(b) and (d) shall serve an initial two-year term and members appointed under Subsections (2)(c) and (e) shall serve four-year terms. Thereafter, members appointed to the advisory committee shall serve four-year terms.

(4) The advisory committee shall comply with the procedures and requirements of:

(a) Title 52, Chapter 4, Open and Public Meetings Act;

(b) Title 63G, Chapter 2, Government Records Access and Management Act; and

(c) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses as allowed in:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules adopted by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(6) The advisory committee shall:

(a) adopt rules and procedures in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish priorities and criteria for the advisory committee to follow in recommending distribution of money from the fund to assist qualified IRC 501(c)(3) charitable clinics;

(b) identify, evaluate, and review the quality of care available to people with traumatic spinal cord and brain injuries through qualified IRC 501(c)(3) charitable clinics;

(c) explore, evaluate, and review other possible funding sources and make a recommendation to the Legislature regarding sources that would provide adequate funding for the advisory committee to accomplish its responsibilities under this section; and

(d) submit an annual report, not later than November 30 of each year, summarizing the activities of the advisory committee and making recommendations regarding the ongoing needs of people with spinal cord or brain injuries to:

- (i) the governor;
- (ii) the Health and Human Services Interim Committee; and
- (iii) the Health and Human Services Appropriations Subcommittee.

Amended by Chapter 387, 2014 General Session